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APPLICATION OF LAWS

ENACTMENT No 5 OF 1951

Previous

Subsequent

H531

9/8

H02 Legal Library

10/8

Mr. Saul H532

16/8

Sir G. Whiteley

16/8

MR. Hopkinson

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MR. Saul

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1. BRUNEI SAV 72 — 31. 7. 51
(ORIG ON 59709/35/51)

Legal Adviser
Mr. Stephenson

Sir G. Whitely to see.

~~Assent~~
16/8

Mr. Hopkinson

Any legal observations please?

If not we shall follow our usual practice
& acknowledge receipt saying we have no comments

G.C. Whitely
16/8.

No comments

J.E. Hopkinson
17.8

2. Brunei Sav 80 — 28. 8. 51
(ORIG ON 59709/35/51)

22/8/51
22/8/51

B

Saving

ORIG

59709/35

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From the Secretary of State for the Colonies.

To the ~~Officer~~ ^{HIGH COMMISSIONER FOR BRUNEI} Administering the Government of

Date 28 August, 1951.

No. 80 Saving

Your Savingram No. 72 dated 31st July, 1951.

I acknowledge receipt of the following enactments, on which I have no observations to make:-

Revised Edition of the Laws Enactment
No. 4 of 1951.

Application of Laws Enactment
No. 5 of 1951

Bishop of Borneo (Incorporation)
Enactment, No. 6 of 1951.

India (Consequential Provision)
Enactment, No. 7 of 1951.

SECEP.

SAVING.

DUPLICATE

From the High Commissioner for Brunei.
To the Secretary of State for the Colonies.

Date 31 July, 1951.

No. 72 Saving.

I enclose Legal Reports by the Legal
Officer on the following Brunei Enactments:-

~~Revised Edition of the Laws Enactment,
No. 4 of 1951.~~

Application of Laws Enactment,
No. 5 of 1951.

~~Bishop of Borneo (Incorporation) Enactment,
No. 6 of 1951.~~

India (Consequential Provision) Enactment,
No. 7 of 1951.

~~Ten copies of each Enactment are enclosed.~~

4 Copies
please.

REGISTRAR'S OFFICE
- 7 AUG 1951
COLONIAL OFFICE

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No. S 5—APPLICATION OF LAWS ENACTMENT, 1951.

The following Enactment by His Highness the Sultan in Council is published for general information:—

STATE OF BRUNEI.**Enactment No. 5 of 1951.**

An Enactment to regulate the application in the State of the Common Law of England, the doctrines of equity and statutes of general application.

E. E. F. PRETTY,

*British Resident,
Brunei.*

[25th April, 1951.]

It is hereby enacted by His Highness the Sultan in Council as follows—

Short title.

1. This Enactment may be cited as the Application of Laws Enactment, 1951.

Application of
common law,
doctrines of
equity and
statutes of
general
application.

2. Subject to the provisions of this Enactment and save in so far as other provision has been or may hereafter be made by any written law in force in the State, the common law of England and the doctrines of equity, together with statutes of general application, as administered or in force in England at the commencement of this Enactment, shall be in force in the State:

Proviso.

Provided that the said common law, doctrines of equity and statutes of general application shall be in force in the State so far only as the circumstances of the State and of its inhabitants permit and subject to such qualifications as local circumstances and native customs render necessary.

Application of
Acts specified
in Schedule.

3. Without prejudice to the generality of the provisions of section 2 of this Enactment and in amplification thereof, the Acts of the Parliament of the United Kingdom specified in the Schedule to this Enactment shall, to the extent specified in the second column of the said Schedule, be in force in the State as from the date specified in the third column of the said Schedule, with such formal

SCHEDULE.

Indian Immigration Enactment, 1924.

Emergency Regulations Enactment, 1933.

Indemnity and Validating Enactment, 1946.

Proclamations, Transfer of Powers and Interpretation Enactment, 1946.

Japanese Judgments and Civil Proceedings Enactment, 1947.

Malayan Establishment Pensions Enactment, 1948.

National Registration Enactment, 1949.

Emergency Regulations (Supplies) (Continuation) Enactment, 1950.

War Damage Enactment, 1950.

alterations and amendments as may be necessary to make the same applicable to the circumstances of the State and, in particular, subject to the modifications, set forth in the fourth column of the said Schedule.

4. The Sultan in Council may, by resolution, amend or vary the Schedule to this Enactment and may add thereto any Act of the Parliament of the United Kingdom whether enacted before or after the commencement of this Enactment.

Power to
amend, vary
or add to
Schedule.

SCHEDULE.

<i>Short title.</i>	<i>Extent of application.</i>	<i>Date of coming into force in the State.</i>	<i>Modifications.</i>
Law Reform (Contributory Negligence) Act, 1945.	The whole, except sections 5 and 6.	25th April, 1951.	(i) In subsection (7) of section 1 the reference to the Carriage by Air Act, 1932, shall be read as a reference to the Carriage by Air Enactment, 1935. (ii) In sections 2 and 4, the references to the Workmen's Compensation Acts, 1925 to 1943 and to sections thereof shall be read as references to the Workmen's Compensation Enactment, 1950, and to the corresponding sections thereof.
Law Reform (Personal Injuries) Act, 1948.	Sections 1, 3, 4 and subsection (1) of section 6.	25th April, 1951.	

No. S 6—BISHOP OF BORNEO (INCORPORATION) ENACTMENT, 1951.

The following Enactment by His Highness the Sultan in Council is published for general information:—

STATE OF BRUNEI.

Enactment No. 6 of 1951.

An Enactment for the incorporation of the Bishop of Borneo and matters incidental thereto.

E. E. F. PRETTY,
*British Resident,
Brunei.*

[25th April, 1951.]

It is hereby enacted by His Highness the Sultan in Council as follows—

Short title
and commence-
ment.

1. This Enactment may be cited as the Bishop of Borneo (Incorporation) Enactment, 1951, and shall come into force on the 25th day of April, 1951.

Bishop of
Borneo to
be a body
corporate.

2.—(1) The lawful holder for the time being of the office of Bishop of Borneo is hereby constituted a body corporate, under the name of the Bishop of Borneo, hereinafter called the corporation.

(2) The corporation for the purposes of this Enactment may sue and be sued in its said name and shall have perpetual succession and a corporate seal.

Powers.

3. The corporation may acquire, purchase, take, hold and enjoy moveable and immoveable property of every description and may surrender and yield up, charge, lease, sub-lease, re-assign, transfer or otherwise dispose of, or deal with, any moveable or immoveable property vested in the corporation upon such terms as to the corporation seems fit.

Vesting of
property.

4. All immoveable property situated in the State and heretofore conveyed or assigned to or vested in the Society for the Propagation of the Gospel or the Bishop of Labuan and Sarawak, whether with or without the name of the ecclesiastic for the time being holding that office, is hereby

STATE OF BRUNEI.

Application of Laws Enactment, 1951.

(Enactment No.5 of 1951)

Legal Report.

In considering the preparation of a revised edition of the laws of the State it became clear that, as part of the pattern of that revision, it was desirable that a measure on the lines of the Colony of Sarawak Application of Laws Ordinance, 1949 (Ordinance No.27 of 1949) should be enacted.

2. To what extent, if at all, the common law, the doctrines of equity and the statutes of general application in force in England might be said to apply within the State has been a matter of doubt, although it is possible that a Brunei Court might recognise and give effect to the provisions of, for example, section 40 of the Law of Property Act, 1925. However, in view of the uncertainty prevailing on this point, which is one of some importance, it has been considered necessary to resolve the matter by legislation.

3. This Enactment follows, with necessary consequential amendments, the provisions of the Sarawak Ordinance of 1949, and also adopts as a matter of convenience the instrument of a Schedule. The Schedule in its present form follows that in the Sarawak model, except that it does not include (as, by a resolution of May 22nd, 1950, of the Council Negri, does the Sarawak Ordinance) reference to sections 4(1) and 7(1) and (2) of the Law Reform (Miscellaneous Provisions) Act, 1949: it was considered that application of these sections, which provide for the legitimacy of children of voidable marriages, and the abolition of the rule in Russell v. Russell, would not for religious reasons be favoured by contemporary opinion in the State.

R. H. H. H.
for Legal Adviser,
Brunei.

July 25th, 1951.

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Enactments. Application of Laws Enactment No 5 of 1951. 1951. MS
Records of the British Colonial Office CO 943/2/3. The National
Archives (Kew, United Kingdom). State Papers Online Colonial,
[link.gale.com/apps/doc/JJIPBY271112755/SPOC?](https://link.gale.com/apps/doc/JJIPBY271112755/SPOC?u=omni&sid=bookmark-SPOC&pg=1)
[u=omni&sid=bookmark-SPOC&pg=1](https://link.gale.com/apps/doc/JJIPBY271112755/SPOC?u=omni&sid=bookmark-SPOC&pg=1). Accessed 21 Dec. 2024.